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OFFICE OF PETITIONS

In re Application of
Timothy M. Schmidl et al.
Application No. 09/838,606
Filed: April 19, 2001
Attorney Docket No. TI-31457

ON PETITION

This is a decision on the "Request to Withdraw Notice of Abandonment", filed April 13, 2007, which is treated under 37 CFR 1.181.

The petition to withdraw the holding of abandonment is **GRANTED**.

The application was held abandoned on May 23, 2006 for failure to file a timely response to the non-Final Office Action mailed February 22, 2006, which set a three (3) month shortened period for reply. No extensions of time in accordance with 37 CFR 1.136(a) were obtained. Accordingly, a Notice of Abandonment was mailed October 3, 2006.

Petitioner asserts that a proper response, was filed via facsimile transmission on June 28, 2006, with a two month extension of time request. In support, petitioner submits a copy of the reply said to have been filed, which includes a certificate of facsimile transmission pursuant to 37 CFR 1.8 and was acknowledged by the U.S. Patent and Trademark Office in an Auto-Reply Facsimile Transmission.

The evidence submitted corroborates a timely response to the non-Final Office Action. Accordingly, the holding of abandonment is withdrawn and the Notice of Abandonment is vacated. No petition fee is due and none has been charged. The fee for the two month extension of time in the amount of \$450.00 has been charged to deposit account no. 20-0668.

This matter is being referred to Technology Center 2611 for appropriate action on the amendment filed June 28, 2006, a copy of which was submitted April 13, 2007 with the instant petition.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

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